

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LADARIUS D. MCGHEE,

Plaintiff,

v.

ORDER

PATRICK GOVIER, LEBBEUS BROWN,
MARK KARTMAN, and JASON FOWELL,

19-cv-1014-jdp

Defendants.

After defendants filed a motion for summary judgment, plaintiff Ladarius D. McGhee filed a motion to voluntarily dismiss the case, stating that he believes that litigating it further would only lead to a verdict for defendants. Dkt. 35. Defendants have responded, stating that dismissal with prejudice is appropriate given the resources they have already expended on the case. Dkt. 36. I gave McGhee a chance to file a reply, but he did not.

When a motion for voluntary dismissal is filed after a defendant has filed an answer, Federal Rule of Civil Procedure 41(a)(2) provides that the action may be dismissed by the plaintiff “only by court order, on terms that the court considers proper.” Because defendants have been required to defend this action, I agree that dismissal with prejudice is appropriate, meaning that McGhee will be barred from bringing his claims in any future action.

ORDER

IT IS ORDERED that:

1. Plaintiff Ladarius D. McGhee's motion for voluntary dismissal, Dkt. 35, is GRANTED. This case is DISMISSED with prejudice.
2. The clerk of court is directed to enter judgment for defendants and close this case.

Entered May 6, 2021.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge